

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JENSEN CASH OVESIAN,

Plaintiff,

v.

**DENTON DISTRICT ATTORNEYS
OFFICE, *et al.*,**

Defendants.

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Civil Action No. 4:21-cv-168-ALM-KPJ

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 16, 2022, the Magistrate Judge entered proposed findings of fact and recommendations (the “Report”) (Dkt. #26) that:

- Defendant Liberty Mutual’s Motion to Dismiss for Lack of Subject Matter Jurisdiction, Failure to State a Claim and Pursuant to 28 U.S.C. § 1915(e)(2)(B) (the “Motion to Dismiss”) (Dkt. #12) be granted in part and denied in part;
- Defendant Farmers Insurance Company’s Motion for a More Definite Statement (the “Motion for a More Definite Statement”) (Dkt. #14) be denied as moot; and
- Defendant Wildridge Community Association, Inc.’s Motion for Judgment on the Pleadings, 12(b)(1) Motion to Dismiss, and 28 U.S.C. § 1915(e)(2)(B), and in the Alternative, Motion for a More Definite Statement (the “Motion for Judgment on the Pleadings”) (Dkt. #15) be granted in part and denied in part.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED** that the Motion to Dismiss (Dkt. #12) and the Motion for Judgment on the Pleadings (Dkt. #15) are **GRANTED IN PART AND DENIED IN**

PART. Plaintiff may file an amended complaint that complies with the federal pleading standards set forth in the Report of the United States Magistrate Judge. The amended complaint, if any, must be filed no later than fourteen (14) days after Plaintiff receives service of this Memorandum. If Plaintiff fails to timely file an amended complaint, Plaintiff's claims against Defendants Liberty Mutual, Farmers Insurance Company, and Wildridge Community Association, Inc. (together, "Defendants") will be dismissed. Defendants may file answers or Rule 12 motions within twenty-one days after Plaintiff's amended complaint, if any, is filed.

It is further **ORDERED** that the Motion for a More Definite Statement (Dkt. #14) is **DENIED AS MOOT**.

IT IS SO ORDERED.

SIGNED this 16th day of March, 2022.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE